

1912-009 Chancery Causes: John Hedrick vs. Kentucky + Virginia Coal Co
Lee Co.

Pennington

CA - Debt

T - Property

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

Humbly complaining your orator John Hedrick, would respectfully represent and show unto your honor that on the 31st day of December, 1910, he obtained a judgment before R. F. Carr, Justice of the Peace for Claibourne County, Tennessee, for the sum of \$336.17, with interest thereon from the 31st day of December, 1910, and \$1.40 cost against Kentucky & Virginia Coal Company, a foreign corporation, a certified copy of which said judgment is here filed as part of this bill.

Your orator would further represent and show unto your honor that no part of the said judgment has been paid and that the same is now due, owing and unpaid, that the said Kentucky & Virginia Coal Company is a foreign corporation and has property and estate situated in Lee County, Virginia near Cumberland Gap, and that the said plaintiff is entitled to and ought to recover in this suit the sum of \$336.17, with interest thereon from 31st day of December, 1910, and \$1.40 cost of said judgment in Tennessee at least.

Your orator would further represent and show unto your honor that the said Kentucky & Virginia Coal Company have failed to pay your orator the said debt and the said judgment which was for various supplies, goods, wares and merchandise furnished by the said plaintiff to the said Kentucky & Virginia Coal Company in order to enable it to install a certain Coal operation at Cumberland Gap.

The object, therefore, of this bill is to attach the estate of the said Kentucky & Virginia Coal Company for a sum sufficient to pay the said judgment and the cost of this suit, and to have the said estate so attached subjected to the payment of the said debt.

The prayer, therefore, of your orator is that the said Kentucky & Virginia Coal Company be made parties defendant to this bill of complaint and be required to answer the same; that the estate of the said defendant be attached for sufficient amount to satisfy the payment of the said debt and the costs of this suit; that judgment be

rendered thereon, and that said property be sold to satisfy the payment of the said debt. And may all other, further and general relief be granted your orator that the nature of his cause and good conscience requires. And he will ever pray &c.

p.q,

Virginia,

Lee County, to-wit:

I, H.C.T. Ewing, Clerk of the Circuit Court for Lee County, do hereby certify that Robt.L. Pennington, this day made oath before me that the statements made in the foregoing bill are true to the best of his knowledge and belief.

Given under my hand this the 9th day of February, 1911.

H. C. T. Ewing, Clerk.

John Hodrick
to } Attorney
} Bice

Ky & Va Case

Filed Feb 9 1911

H. C. J. Ewing,
Clerk.

Costs:

Dec. 21-11 Clerk \$ 7.69 ^{pd}
Shiff 1.08 ^{pd}
Atty. 15.00 ^{pd}
Printer 6.20 ^{pd}
N.P. .75
Est. 1.50 ^{pd}
\$32.14

1911 1st April Rule
Attachment le-
vied & continued
for O.P. to 1st
Aug Rule 1911
" 1st Aug. Rule
O.P. completed
& cancel set for
hearing.

John Hedrick.....Plaintiff.

Vs. In Chancery

Kentucky & Virginia Coal Company.....Defendant.

This cause came on this day to be heard upon the papers formerly read therein, the report of C.E. Garrett, Deputy Sheriff, showing a sale of the property attached on in this cause, and the disbursement thereof, and argument of counsel.

On consideration of all which and the report of the said Garrett filed in this cause on the 21st day of December, 1911, being unaccepted to, it is therefore adjudged, ordered and decreed that the same be and the same is hereby approved and confirmed. And there remaining nothing further to be done in this cause, the same is stricken from the docket.

John Hedrick

75 { Dec 1891
June 1892

Ky. & Va. Coal Co.

Entered in C. O. B.
No. 9, page 275

Enter this
Feb. 21-1912
Haw. State

John Skodrick Complainant

- 25 -

In County
Kentucky & Virginia Case No. Defendants

This cause came on this day
to be heard upon the bill of the Complain-
ant, exhibits filed therewith & the deposition
of witnesses for plaintiff, and was
argued by counsel.

On consideration of which, and
it appearing to the Court that the
defendant is a non resident cor-
poration, that order of publication
has been duly made published
& posted as the law requires in
such cases, and the defendant
failing to appear, plead or answer
this said bill of said Complainant
is taken for confessed; and it appearing
to the Court that the defendant is a
non resident Corporation, and that
at the time of the suing out of
the attachment in this cause the
said defendant was owing the
the said plaintiff the sum of
\$337.57 with interest from the 31st day
of Dec. 1910 - until paid, and that the
said defendant had property in the
said County of Lee, which property
has been levied upon in this cause

it is therefore adjudged ordered
and decreed that the said attachment
issued & levied in this cause be
and the same is hereby sustained,
and that C. E. Gornet, deputy for W. J.
Tucker Sheriff of Lee County, after advertis-
ing the time & place of making sale
do proceed to make sale of the
property levied upon by decree in
this cause for a sum sufficient
to pay the said sum of \$337.57, with
interest from the 31st day of Dec. 1910-
and the costs of this suit & commis-
sions of sale, and report his action
to this Court. But before the plaintiff
shall have the benefit of this decree
he will execute bond before the
Clerk of this Court in the penalty
of \$700- conditioned as the law
requires in such cases. And
this decree is continued-

John Kendrick

as { given for
Sale of Attached
Effects
J. D. - Co. -

Entered in C. O. B.
No. 9, page 223. &c

Entered this
Sept 14 - 1911

Hawkins

The deposition of John Hedrick taken before me, Allie O. Freeman, a Notary Public, in and for the County of Lee, in the State of Virginia, at the law office of Robt.L.Pennington, in the Town of Jonesville, on the 26th day of April, 1911, to be read as evidence in a certain suit in Chancery pending in the Circuit Court of Lee County wherein John Hedrick is plaintiff and the Kentucky & Virginia Coal Company, a corporation, is defendant.

Present: Robt.L.Pennington of counsel for plaintiff.

No one for defendant.

John Hedrick, a witness of lawful age being duly sworn deposes and says.

Q. State your age, residence and occupation Mr. Hedrick?

A. 23 years old, reside at Cumberland Gap, Tenn., and am a merchant

Q. On December 31st, 1910, before R.F.Carr, a Justice of the Peace of Claibourne County, Tennessee, it appears in this cause from a certified copy of his records, that you obtained a judgment against the Kentucky & Virginia Coal Company for the sum of \$336.17, and costs. State whether or not any part of the said judgment has been paid to you?

A. No sir, no part has been paid.

Q. Do you know whether the Kentucky & Virginia Coal Company is a foreign corporation, that is a corporation of some other state than of Virginia?

A. Yes sir, it is a corporation of Kentucky.

Q. At the time you sued out your attachment on the 9th day of February, 1911, did the Kentucky & Virginia Coal Company have any property located in Virginia?

A. Yes sir.

Q. The sheriff makes a return as having levied upon, on Feb. 11, 1911, at 10-00 A.M., the following described property: about 300 ft. of small iron track, about 250 ft. of water pipe, one small steam boiler and steam pump, and about three tons of iron track. Is this the property which you refer to as being located in Virginia at the time of suing out your attachment?

A. Yes sir.

Q. For what was the Kentucky & Virginia Coal Company indebted to you?

A. For goods furnished to their employees.

And further this deponent saith not.

John Hedrick

Virginia,

Lee County, to-wit:

I, Allie O. Freeman a Notary Public in and for the County of Lee, in the State of Virginia, do hereby certify that the deposition of John Hedrick was duly taken, sworn to and subscribed before me at the time and place and for the purpose in the caption mentioned.

Given under my hand this the 26th day of April, 1911.

My commission as Notary Public expires January 13, 1913.

Allie O. Freeman N.P.

John Hedrick
vs. Affidavit
Ky. & Va. Coal Co.

Filed April 26, 1911.

H. C. J. Ewing,
Clerk.

Notary Fee - \$7.50

John Hedrick-----Plaintiff.

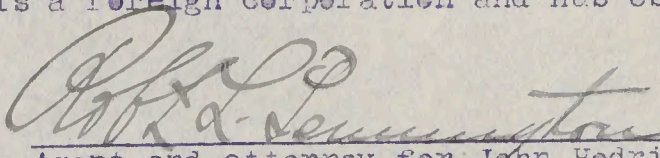
Vs. Affidavit for attachment.

Kentucky & Virginia Coal Company, a corporation.-----Defendant.

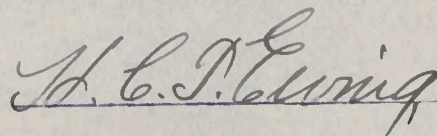
Commonwealth of Virginia,

County of Lee, to-wit:

This day and on a bill in equity filed in the Clerk's Office of the Circuit Court of Lee County against Kentucky & Virginia Coal Company, a corporation, for the purpose of having an attachment to secure and enforce a claim against Kentucky & Virginia Coal Company to a debt, Robt. L. Pennington, Agent and attorney for John Hedrick, plaintiff in said bill, personally appeared before me, H.C.T. Ewing, Clerk of our said court, in the Clerk's Office thereof, in the State and County aforesaid, and made oath that the plaintiffs claim is believed to be just and is now due and payable; that the affiant believes that the plaintiff is entitled to and ought to recover at least the sum of \$336.17, with interest thereon from the 31st day of December, 1910, till paid, and \$1.40 cost before a Justice of the Peace of Claibourne County, Tennessee, and that to the best of the affiants belief the defendant is a foreign corporation and has estate within the County of Lee.


Agent and attorney for John Hedrick.

Subscribed and sworn to before me on this the 9th day of February, 1911. In Testimony whereof I have hereunto set my hand the day month and year aforesaid.

 Clerk.

John H. H. H.

or { ofidvick-

My & V. Coe Co.

Filed July 9-1911

H. C. P. Ewing,

Clerk.

Dec 21- 1901

Received from C. E. Greet - D. S. for Lucy Greet
Three Hundred + Fifty Three + 80/100 Dollars

For proceeds of sale of property attached on in
case of John T. Greet vs. The 5th Case Co -
\$343.80
Pennyton Bros Accts - for
Plaintiff -

T A K E N O T I C E

Pursuant to an attachment in the Chancery cause of John Hedrick against Kentucky-Virginia Coal Company, and an order of the Circuit Court of Lee County entered on the 14th day of September, 1911, I will offer for sale at Cumberland Gap, on the premises where the property is located, on the 16th day of November, 1911, the following property:

About 3000 feet of small iron track.
" 250 " " water pipe.
 1 small steam boiler and steam pump.
" 3 tons of iron track not laid.

or enough thereof to satisfy the following:

Plaintiff's claim with interest from Dec. 31, 1910,	\$337.57
Costs of this suit	32.15
Interest as above stated	16.85
Commissions	16.72

Total\$405.28

Said sale will begin at 10:00 A.M. and continue until all property has been sold and will be made for cash in hand.

C. E. Garrett,

Deputy Sheriff for W. Y. Tucker,

Sheriff for Lee County.

Sold to Eastern Ry Co
for \$360 with B. Backus agent

To the Honorable H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia.

The undersigned, C.E. Garrett, Deputy Sheriff for W.Y. Tucker,
Sheriff of Lee County, begs leave to report that pursuant to a decree
entered in the Chancery cause of John Hedrick Vs. Kentucky & Virginia
Coal Company, a corporation, directing him to make sale of certain
property levied on in said cause by him, at public auction, that on
the 16th day of November, 1911, he proceeded to make sale of all the
property levied on in this cause, consisting of the following:

About 300 feet of small iron track
" 250 feet of water pipe
One small steam boiler and steam pump
Three tons of iron track

after having duly advertised the terms of the sale, a copy of which
sale is here attached to this report as part hereof. The said prop-
erty was offered for sale at public outcry to the highest bidder in
the Town of Cumberland Gap, Virginia, on the premises where the said
property was located and the same was knocked off to G.B. Cockrell
at the price of \$360.00, who paid the undersigned said sum of money.
The undersigned has retained \$16.20 commissions and has paid the re-
mainder of said sum, \$343.80 over to the plaintiff's counsel in this
cause and taken their receipt thereof, which is hereto attached to
this report as part thereof.

Dated this December 21st, 1911.

C. E. Garrett
Deputy Sheriff for W.Y. Tucker,
Sheriff of Lee County.

John Hordman

vs { Refuz of
 { society
 { Smith

Ky. Gr Coac Co -

Filed Dec 21-1911

W. C. T. Ewing,
Clerk.

Number _____

John Hedrick

Dec. 31st.

vs.

1910.

Kentucky & Virginia Coal Co.

In this cause I render judgment for the Plaintiff and against the defendant for Three Hundred and Thirty Six and 17/100 Dollars and all costs of suit for which execution may issue.

This Dec. 31st. 1910.

R. F. Carr, J. P.

BILL OF COSTS.

Warrant, \$.25, Locketing \$.15, Judgement \$.50, Serving process, \$.50.

State of Tennessee,

Claiborne County.

I, R. F. Carr, an acting justice of the peace for Claiborne County do certify that the foregoing is a true copy of the judgment in the cause of John Hedrick vs. the Kentucky & Virginia Coal Company, as appears of record in my office.

Witness my hand, this Feby. 6th. 1911.

R. F. Carr J. P.

STATE OF TENNESSEE,

Official signature of Magistrate.

[Box 142.]

Claiborne County.

I, J. W. Rose

Clerk of the County Court of the County and State aforesaid,

do hereby certify that it appears of record in my office, pursuant to law, that R. F. Carr

is an acting Justice of the Peace in and for said County, duly qualified to act as such; that his term of

office commenced on the 1st day of October in the year 1906,

and will expire on the 1st day of Sept in the year 1912,

and that his signature above written is genuine.

[SEAL.]

Given under my hand and the seal of the said County Court, at Tazewell

on this 7th day of Feb in the year of our Lord 1911

J. W. Rose

Clerk.

MARSHALL & BRUCE CO., NASHVILLE, TENN.

State of Tennessee,

Claiborne County.

I, J. H. S. Morison, Presiding Judge of the County Court of Claiborne County, do hereby certify that J. W. Rose, whose genuine signature is subscribed to the foregoing certificate, is Clerk of the County Court of Claiborne County, holden at Tazewell, and was at the date of his certificate, and that his attestation is in due form, and that full faith and credit is due to all his official acts.

Given under my hand, this the 18th. day of Feby. 1911

J. H. S. Morison
Judge of County Court

Know all Men by these Presents, That we,

John Hedrick and Robt. L. Pennington

are held and firmly bound unto the Commonwealth of Virginia, in the sum of *Seven Hundred*

Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our exemption as to this obligation, and any claim or right to discharge any liability to the Commonwealth arising under this bond or by virtue of said office, post or trust, with coupons detached from the bonds of this State. Sealed with our seals, and dated this *12th* day of *October*,

one thousand nine hundred *and eleven*.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, whereas

John Hedrick in a suit instituted by him vs. *W. Kentucky and Virginia Coal Company* obtained a decree directing the sale of certain property listed upon his said suit. Indenture and attachment issued therein to satisfy the claim of the plaintiff for the sum of \$337.57 and when the defendant had not been served with a copy of said attachment.

Now therefore, if the said plaintiff shall perform such future order as may be made upon the appearance of the said defendant and its backing defensor.

then this obligation to be void, or otherwise to remain in full force and virtue.

John Hedrick
Robt. L. Pennington

[SEAL]

[SEAL]

[SEAL]

In the Court of the of the day of 190.....

This bond was executed and acknowledged in open Court by the obligors and ordered to be recorded,

the suret.....therein having first justified on oath that..... estate, after the payment of all..... just debts, and those for which he.....bound as security for others and expect to have to pay..... worth the sum of.....dollars, over and above all exemptions allowed by law.

Teste:

CLERK

John Neodrist

to

}

BOND

Commonwealth.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 26th
 day of April, 1901

John Shadrick,

against

Plaintiff

In Chancery

Kentucky & Virginia Coal Com-
pany, a Corporation,

Defendant

The object of this suit is to

attach the estate of the de-
pendant for the sum of \$336.17 with in-
terest from December 31st, 1910, and \$1.40
costs, and to enforce the payment of
the money out of the sales of the prop-
erty attached on in this cause,

And an affidavit having been made and filed that the defendant, Kentucky & Virginia
Coal Company, a Corporation, is
 not a resident of the State of Virginia, it is ordered that it do appear here within fifteen days
 after due publication hereof, and do what may be necessary to protect its interest in this suit. And it is
 further ordered that a copy hereof be published once a week for four weeks in the Jonesville
Star — and that a copy be posted at the front door of the Courthouse of this county as prescribed

by law.

A copy—Teste:

Pennington Bros., p. q.

J. C. Hewing, Clerk.
By M. E. Handley, D.C.,

John Headrick

vs. {

ORDER OF
PUBLICATION

Kep. & Va. Coal Co.

Va., Lee County, to-wit:
I, J. H. A. Ewing, Clerk
of the Circuit Court
for the County afore-
said in the State of
Va., do hereby certify
that I posted a true
copy of the within
order of publication
at the front door of
the Court-house of sd.
County on this day,
Given under my hand,
this the 27th day of Apr.,
1911.
J. H. A. Ewing,
Clerk.

The object of this writ is to attach
the estate of the respondent
for the sum of \$336.17 - with
interest from Dec 31, 1910 - at 1% per month
to enforce the payment of the money
owed by the respondent of the property situated
or in this Court -

19

the day of

Court,

SUBPOENA
FOR
WITNESS.

vs.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

to appear before the Judge of our Circuit Court of the County of Lee, at the Court-house thereof, on
the ----- day of -----, 19-----, to testify and the truth to say in behalf of the
-----, in a certain matter in controversy in our said court before the said Judge
depending and undetermined between -----

----- Plaintiff, and

-----, Defendant. And this

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. Ewing, Clerk of our said Court, at the Court-house the ----- day of -----
19-----, and in the 13----- year of the Commonwealth.

----- Clerk.

Commonwealth of Virginia;

To the Sheriff of Lee County,—Greeting:

Whereas, John Hedrick has in the Clerk's Office of our Circuit Court of the County of Lee, this day filed a bill in equity against the Kentucky & Virginia Coal Company, a corporation, for the purpose of having an attachment to secure and enforce a claim against the said Kentucky & Virginia Coal Company to a debt; and,

Whereas, Robt. L. Pennington, agent and attorney for the said John Hedrick, plaintiff in the said bill, has before me in my said office in the County of Lee and State of Virginia, made affidavit that the plaintiff's claim is believed to be just and is now due and payable; that the affiant believes that the plaintiff is entitled to and ought to recover at least the sum of \$336.17, with interest thereon from the 31st day of December, until paid, and \$1.40 costs before a Justice of the Peace in Tennessee, together with the costs of this suit, and to the best of the affiant's belief the said defendant is a foreign corporation and has estate within the County of Lee; and,

Whereas, upon such affidavit the plaintiff doth now require me, the said Clerk, to endorse on a summons an order to the officer to whom it is directed, to attach the estate of the said defendant against whom the claim is, and also any other estate of the said Kentucky & Virginia Coal Company, whether in its hands or in the hands of others;

Therefore, we order and command you that you attach the debts and estate above mentioned for the amount of the claim of the said John Hedrick, and such estate so attached in your hands to secure that the same may be forthcoming and liable to further proceedings to be had thereupon before our said Circuit Court on the 1st day of the next May term thereof, and that you on the first day of the said May term have then and there this writ, and make your return how you have executed the same.

Witness, H.C.T. Ewing, Clerk of the Circuit Court for Lee County at the court-house thereof, in the County and State aforesaid, on this the 9th day of February, 1911.

H.C.T. Ewing, Clerk.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Kentucky & Virginia Coal Company

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the 1st Monday in April 1911,
to answer to a bill in chancery, exhibited against it in our said Court by
John Hedrick

And have then there this writ. Witness. H.C.T. Ewing
A. B. MUNSEY, Clerk of our said Court, at
the court-house, the 9th day of February, 1911, and in the
xx 135th year of the Commonwealth.

H. C. T. Ewing, Clerk

vs.

}

SUBPŒNA
IN
CHANCERY.

p. q.

To.....Rules

Lee Circuit Court.

Commonwealth of Virginia;

To the Sheriff of Lee County,—Greeting:

Whereas, John Hedrick has in the Clerk's Office of our Circuit Court of the County of Lee, this day filed a bill in equity against the Kentucky & Virginia Coal Company, a corporation, for the purpose of having an attachment to secure and enforce a claim against the said Kentucky & Virginia Coal Company to a debt; and,

Whereas, Robt. L. Pennington, agent and attorney for the said John Hedrick, plaintiff in the said bill, has before me in my said office in the County of Lee and State of Virginia, made affidavit that the plaintiffs claim is believed to be just and is now due and payable; that the affiant believes that the plaintiff is entitled to and ought to recover at least the sum of \$336.17, with interest thereon from the 31st day of December, until paid, and \$1.40 costs before a Justice of the Peace in Tennessee, together with the costs of this suit, and to the best of the affiants belief the said defendant is a foreign corporation and has estate within the County of Lee; and,

Whereas, upon such affidavit the plaintiff doth now require me, the said Clerk, to endorse on a summons an order to the officer to whom it is directed, to attach the estate of the said defendant against whom the claim is, and also any other estate of the said Kentucky & Virginia Coal Company, whether in its hands or in the hands of others;

Therefore, we order and command you that you attach the debts and estate above mentioned for the amount of the claim of the said John Hedrick, and such estate so attached in your hands to secure that the same may be forthcoming and liable to further proceedings to be had thereupon before our said Circuit Court on the 1st day of the next May term of said court, and that you on the first day of the said May term have then and there this writ, and make your return how you have executed the same.

Witness, H.C.T. Ewing, Clerk of the Circuit Court for Lee County at the court-house thereof, in the County and State aforesaid, on this the 9th day of February, 1911,

H. C. T. Ewing, Clerk.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Kentucky & Virginia Coal Company

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the 1st Monday in April, 1911,
to answer to a bill in chancery, exhibited against it in our said Court by
John Hedrick

And have then there this writ. Witness. H.C.T. Ewing
A. B. Munsey, Clerk of our said Court, at
the court-house, the 9th day of February, 1911, and in the
xx 135th year of the Commonwealth.

H. C. T. Ewing, Clerk.

John Hedrick

vs. }

SUBPOENA
IN
CHANCERY.Kentucky & Virginia
Coal Co. a Corporation
Cunnington Bros. p. q.To 1st April Rules

Lee Circuit Court.

1911

This attachment
Execute D. Feb 11, 1911, at 10 A.M.
by levying upon the following prop-
erty of the Kentucky & Virginia Coal
Company; About 3000 feet of small
iron track, about 2500 feet of
water pipe, one small steam
boiler and steam pump and
about 3 tons of iron track, all
located in Lee Co. Va. near Cumberland
River; no one being found
in possession of any part of the
said property no copy of this
attachment was delivered and
no agent or officer of the said
company being found in the
said County
For W. H. Tucker & Co. Garrett D.B.

John Hendrick

vs. { In Chancery

Hy & Va Case No
